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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,837	05/23/2001	James A. Clagett	49455 /71789	9775

7590 02/17/2006  
GARRETT W. LINDEMANN, PH. D.  
HISTATEK, INC  
4645 EAST COTTON CENTER BLVD.  
BUILDING 2, SUITE 171  
PHOENIX, AR 85040



EXAMINER

HADDAD, MAHER M

ART UNIT PAPER NUMBER

1644

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**February 17, 2006**

**Garrett W. Lindemann, PH.D  
Histatek, Inc  
4645 East Cotton Center Blvd.  
Building 2, Suite 171  
Phoenix, Arizona 85040**

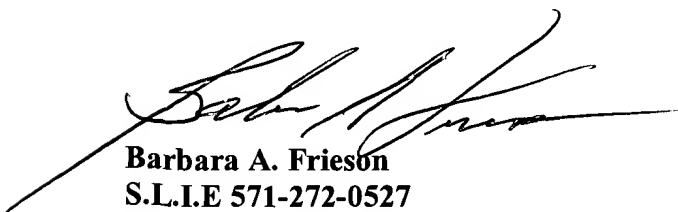
**Letter Restarting Time Period**

**This letter is in response to the return mail that was sent back to the U.S Patent Office Mail Center on May 09, 2005.**

**Attach is a copy of the action from the examiner in charge of this application. The response period has been reset to expire (1) month from the date of this letter.**

**This action is being mailed to the address of record as stated above.**

**Any inquire can be sent to Barbara A. Frieson at the USPTO who is the team leader for this art unit. My office no is 571-272-0527 and my fax no is 571-273-0527 Monday through Thursday**



**Barbara A. Frieson  
S.L.I.E 571-272-0527  
February 17, 2006**

1544  
JFW



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7590 05/03/2005  
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PHOENIX, AR 85040

EXAMINER

HADDAD, MAHER M

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DATE MAILED: 05/03/2005

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/863, 837

EXAMINER

Maheer Haddad

ART UNIT

PAPER

1644

20050425

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Amendment

Applicant's election of Group I, Claims 1-6 and 9, filed on 1/28/05, is acknowledged. However, Applicant's response is not fully responsive to the prior Office Action mailed on 7/28/04, because of the following: Applicants fail to elect a single specific species as required under 35 US 121 (1).

(A) In the prior Office Action it was stated in the paragraph No.4(A) :

If Group I is elected, applicant is required to elect a single specific X such as those recited in claim 2 (i.e., Tyr, Tyr-phe, Phe-Phe or Phe-Tyr), a single specific active ingredient such as those recited in claim 3 (i.e., anti-leukotrienes, beta2 antagonists or corticosteroids), and if Group I is elected a single pro-inflammatory agent such as those recited in claim 6 (such as fMLP, activated complement fragment, leukotriene B4, platelet activating factor, IL-4, IL-6, IL-8, IL-10, IL-13 or TNF $\alpha$ ). These are distinct species because their structures and modes of action are different which, in turn, address different therapeutic endpoints.

(B) In the prior Office Action, it was stated in the paragraph No.5.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maheer Haddad whose telephone number is (571) 272-0845. The examiner can normally be reached Monday through Friday from 7:30 am to 4:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Maher Haddad*  
Maher Haddad, Ph.D.

Patent Examiner

Technology Center 1600

April 25, 2005

# REMSSEN

**Bldg./Room**

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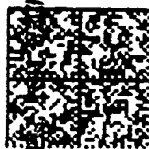
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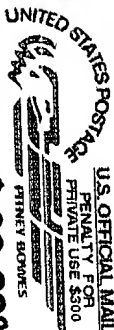
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